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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,550	09/24/2004	Patrick S. McMonagle	030848-00026	5549
24239 7590 08/19/2008 MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709				
EXAMINER				
FU, HAO				
ART UNIT		PAPER NUMBER		
3696				
MAIL DATE		DELIVERY MODE		
08/19/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **Response to Voice Mail**

In response to the applicant's voice message on 08/01/2008, regarding to the improper final office action sent out on 07/15/2008, the examiner agrees to withdraw the finality of the application. The examiner submits according MPEP, a non-final office action should have been mailed out. The present incident is a clerical error, and the office action sent out on 07/15/2008 should be treated as a non-final office action.

The applicant should respond to the office action as if it is a non-final office action. The examiner will determine the finality of the present applicant when amendments and remarks are received. The respond period is NOT reset.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAO FU whose telephone number is (571)270-3441. The examiner can normally be reached on Mon-Fri/Mon-Thurs 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3696

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hao Fu  
Examiner  
Art Unit 3696

AUG-08

/Hao Fu/  
Examiner, Art Unit 3696

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Primary Examiner, Art Unit 3696